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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Combined fourth to sixth periodic reports of States parties due in 2013

Turkey*

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I. Introduction

1. Turkey has the honour to present its fourth, fifth and sixth periodic reports in a single consolidated document to the Committee on the Elimination of Racial Discrimination on the legislative, judicial, administrative and other measures which give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as the Convention), in accordance with article 9 thereof.

2. The report, which contains data from 2007 until 2013 inclusively, has been prepared under the coordination of the Ministry of Foreign Affairs with the contribution of the relevant ministries, public institutions and Parliamentary commission.

3. Turkey is fully committed to the fight against racism and racial discrimination as defined in the Convention. With this understanding, Turkey became party to the Convention in 2002 and incorporated sound and effective measures into its legislation with a genuine commitment to combating racial discrimination.

4. In its instrument of ratification, Turkey made two declarations and one reservation. In this respect, with regard to paragraph 8 of the Concluding Observations of the Committee of 2009 CERD/C/TUR/CO/3 (hereinafter referred to as the Concluding Observations of the Committee), the Turkish Government is of the view that its declarations and reservation are permissible under international law and compatible with the object and purpose of the Convention. The Government has not announced any decision to withdraw any of its existing declarations or reservation to the Convention.

5. The constitutional system of Turkey is based on the equality of all individuals without discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations (Article 10 of the Constitution).

6. In line with the fundamental principles of equality and non-discrimination, every Turkish citizen is considered an integral part of the nation. Diversity is the source of richness of Turkish society.

7. Concerning paragraph 9 of the Concluding Observations of the Committee whereby Committee regrets the lack of statistical data in the report of Turkey on the ethnic composition of its population, the Turkish Government would like to reiterate that it does not collect, maintain or use either qualitative or quantitative data on ethnicity. It is believed that this is a sensitive issue, especially for those nations living in diverse multicultural societies for a long period of time. Diversity has deep roots in Turkey. Hence, Turkey has focused on commonalities and common aspirations in the legislative and policy framework, rather than measuring differences and making policies thereon.

8. As a testimony to Turkey's commitment to further strengthening human rights and freedoms, yet another "democratization package" was unveiled on 30 September 2013 which proposes comprehensive reforms for improvement and enjoyment of a wide-spectrum of civil and political rights for citizens of Turkey from all walks of life. Relevant provisions of these reform proposals are introduced throughout the report.

9. Information concerning the recommendations contained in the Concluding Observations of the Committee is presented throughout the report.

II. Information on specific articles

Article 1

1. Definition of racial discrimination in domestic law and the Convention

Definition of racial discrimination in domestic law

10. Article 90 of the Turkish Constitution states that international agreements duly put into effect bear the force of law and directly become a part of Turkish domestic legislation. As such, when approved by the Turkish Parliament on 16 October 2002, the Convention became an integral part of Turkey's national legislation and the definition of racial discrimination laid down in the Convention is directly applicable in Turkey and can be invoked before Turkish courts. In case of conflict with the provisions of the national laws on the same matter, international agreements in the area of fundamental rights and freedoms, e.g. the Convention–prevail.

11. The constitutional system of Turkey is based on the equality of all individuals without discrimination before the law, irrespective of "language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations" (Article 10). By referring to "or any such considerations", the Constitution grants the judiciary wide discretion on its judgment of cases of inequality before the law.

12. Existing Turkish legislation – namely the Constitution, penal code, civil code, labour law, civil servants law, law on political parties, law on the execution of penalties and security, basic law on national education, law on the establishment of radio and television enterprises and their media services, law on social services, law on the establishment of ombudsman, law on the establishment and duties of the Turkish Football Federation, law on prevention of violence and disorder at sport, law on the establishment and duties of the Ministry of Foreign Affairs, Turkish Armed Forces discipline law – provides for prohibition of and protection against discrimination and racism. (For discussion of constitutional provisions and laws providing protections against racial and ethnic discrimination, please see discussion under Article 2.).

13. With regard to paragraph 17 of the Concluding Observations of the Committee concerning the absence of a comprehensive anti-discrimination legislation as well as paragraph 11 regarding the absence of prohibition of all the grounds of discrimination stated in Article 1 of the Covenant, relevant Government institutions drafted a comprehensive anti-discrimination legislation which covers the prohibited grounds of discrimination set out by Article 1 of the Convention. The draft "Law on Anti-Discrimination and Equality" is before the Office of the Prime Minister.

14. According to the Draft Law, the prohibition of discrimination is laid down to include discrimination based on sex, race, color, language, belief, ethnic origin, philosophical or political opinion, social status, marital status, state of health, disability or age. The prohibition shall be binding on the legislative, executive and judicial authorities as well as all natural and legal persons. In cases of violations, the public authorities who have been entrusted with the task and authority in such matters are under the obligation of taking the necessary measures to end such violations, eliminate their consequences, prevent recurrence and conduct judicial and administrative monitoring of the cases.

15. The Draft Law foresees eleven types of discrimination under the titles of, "segregation", "ordering discrimination and implementing such orders", "multiple discrimination", "direct discrimination", "indirect discrimination", "workplace mobbing",

"victimizing", "failing to make reasonable arrangements", "hate speech", "harassment", "discrimination based on assumptions".

16. The Draft law envisages the establishment of "the Anti-Discrimination and Equality Board" which will monitor complaints regarding discrimination in the public and private sector as well as "the Consultation Board" which will bring together representatives from universities, trade unions, professional bodies, associations and foundations, and representatives of public institutions functioning in the field of combating discrimination and equality with a view to assisting "the Anti-Discrimination and Equality Board".

Inclusion of direct as well as indirect forms of discrimination in the definition of racial discrimination in domestic law

The draft Law on Anti-Discrimination and Equality includes provisions dealing with both direct and indirect discrimination.

Differential treatment based on citizenship or immigration status

17. Fundamental rights and freedoms set forth in the Constitution do not lead to any distinction between Turkish citizens and foreigners. Fundamental rights and freedoms are recognized for everybody regardless of citizenship in line with article 10 of the Constitution. Article 16 of the Constitution stipulates that the fundamental rights and freedoms of foreigners can only be limited by law in accordance with international law. Political rights (the right to vote and to be elected, the right to form political parties and to become their members) and the right to enter into public service are however solely vested with Turkish citizens.

18. The new Law on Foreigners and International Protection was enacted on 11 April 2013. The law which aims to strengthen the institutional capacity of Turkey regarding immigration and international protection was prepared in consultation with relevant public institutions, international organizations such as UNHCR and the Council of Europe, civil society organizations and other relevant parties.

2. Information on special measures

19. Article 10 of the Constitution concerning equality before the law was amended following the referendum of 12 September 2010. The new Article provides for measures in favor of groups that require social protection namely women, children, the elderly, the disabled, widows and orphans of martyrs as well as for the invalid and veterans. The introduction of a "special measures" clause for the first time in the Constitution is a significant improvement to strengthen the protection of constitutional rights of these people.

20. With this amendment, it is guaranteed under the constitutional framework that special measures to be taken by the Government in respect of those who require protection shall not be construed to be "contrary to the principle of equality". As such, the State will be free to take special measures for those in need of protection to ensure equality among all sections of the society.

21. The situation of those Turkish citizens considered disadvantaged is given due consideration within the general framework of combating discrimination in the field of human rights.

22. In 2009, the Turkish Government initiated a "democratic opening" process towards Turkey's Roma population with a view to identifying and seeking solutions for the problems faced by the Roma particularly in the fields of employment, housing, health and education through increasing dialogue between the Roma and relevant Government units,

raising awareness among the society at large on the challenges faced by the Roma, giving the Roma further opportunities to make their voice heard by public officials at local and national level. The Roma "opening" process has been carried out in a participatory manner, making sure that the Roma themselves have a say in policies and programmes that are targeting them.

23. Please refer to the section for special measures under Article 2 (paragraphs 62-63) for all the events and meetings organized within the framework of the "democratic opening" towards the Roma.

Article 2

1. Brief description of legal framework and general policies

24. In order to eliminate racial discrimination in all its forms and manifestations, Turkey believes that, it is important to take effective legal and administrative measures, including the improvement of existing legislation and the establishment of comprehensive institutional structures where necessary.

25. To this end, since 2001 Turkey has pursued a comprehensive reform process. Major steps have been taken to align the domestic legal framework with the international principles and standards in the area of human rights, democracy and the rule of law. Series of legal reforms have been carried out including constitutional amendments as well as adoption of laws that are fundamentally important for the protection of human rights and prohibition of discrimination including a new civil code, penal code and the code of criminal procedures. A summary of the existing legislation is presented below.

26. As mentioned earlier, according to Article 10 of the Constitution of the Republic of Turkey, all individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. In conformity with this basic tenet of the Constitution, all public authorities and public institutions in Turkey are under the obligation not to engage in any act or practice of racial discrimination. As such, sponsoring, defending or supporting racial discrimination is prohibited. By referring to "or any such considerations", the Constitution grants the judiciary wide discretion on its judgment of cases of inequality before the law.

27. Article 68 (4) of the Constitution concerning political parties prohibits political parties to aim to protect or establish class or group dictatorship or dictatorship of any kind, or to incite citizens to crime.

28. Article 70 of the Constitution entitles every Turk to enter public service and states that no criteria other than the qualifications for the office concerned shall be taken into consideration for recruitment into public service.

29. The Turkish Penal Code (TPC) prohibits and criminalizes acts of discrimination. Relevant provisions of the TPC are as follows:

- Article 3 of the Turkish Penal Code (TPC) prohibits discrimination in the application of the Penal Code.
- Article 122 of the TPC makes it a criminal offence, punishable by imprisonment for a term of six months to one year or a judicial fine, to discriminate against a person on the grounds of language, race, colour, sex, disability, political opinion, philosophical belief, religion, sect or similar reasons where the offender, on these grounds, prevents the sale or transfer of movable or immovable property or the execution of a service or prevents others from benefiting from a service, or employs or does not employ a person (122/1-a); does not provide food or refuses to provide a

service meant to be provided for the public (122/1-b); or prevents a person from undertaking a regular economic activity (122/1-c).

- Article 216 of the Turkish Penal Code under Section 5 entitled "offences against public peace" prohibits incitement to hatred or enmity on the grounds of social class, race, religion, sect or regional difference.
- Furthermore, Article 218 of the TPC under the same section increases the penalty imposed by half if the offences defined under section 5 including under Article 216 are committed through media and press.
- Articles of the TPC concerning criminalization of genocide (Article 76) and the crimes against humanity (Article 77) include acts against members of a racial group. The articles do not allow statute of limitations pertaining to these offences. Furthermore, Article 78 (1) imposes a penalty of imprisonment for a term of ten to fifteen years for persons who found or direct an organization for the purpose of committing the offences referred to under Article 76 and 77 (first sentence), and a penalty of imprisonment for a term of five to ten years for those who become a member of such organizations (second sentence).
- Article 135 (2) of the TPC penalizes unlawful collection of personal data on grounds of political, philosophical or religious opinions, racial origins; illegal moral tendencies, sexual lives, health conditions and relations to trade unions of persons which constitutes an offence with imprisonment for a term of six months to three years.
- Article 115 of the TPC penalizes the act of hindering the exercise of freedom of belief, thought and conviction, while Article 153 penalizes acts of damaging worship places (churches, mosques etc.), property used in such places, cemeteries and buildings and premises over these areas.
- Article 18 concerning extradition states that the extradition demand shall not be accepted if there are strong suspicions that –upon extradition - the person shall be prosecuted or punished on account of his/her race, religion, nationality, membership of a particular social group or political opinion or shall be exposed to torture or ill-treatment.

30. Other laws and regulations that prohibit discrimination on the basis of race, language, sex, religion, political opinion, nationality or social origin are as follows:

- Civil servants law no. 657 (Article 7 and 125);
- Basic law on national education no. 1739 (Article 4);
- Law on political parties no.2820 (Articles 12, 78, 82, 83);
- Social services law no. 2828 (Article 4);
- Civil code no. 4721 (68);
- Labour law no. 4857 (Article 5);
- Law on the execution of penalties and security measures no.5275 (Article 2);
- Law on the establishment and duties of the Turkish Football Federation no.5894 (Article 3);
- Law on the establishment and duties of the Ministry of Foreign Affairs no.6004 (Article 2);
- Law on the establishment of Radio and Television Enterprises and Their Media Services no. 6112 (Article 8 and 9);

- Law on prevention of violence and disorder at sport no. 6222 (Article 14);
- Law on the establishment of Ombudsman no 6328 (Article 30);
- Turkish Armed Forces discipline law no. 6413.

Recent and ongoing legal reforms related to discrimination

31. Turkey reviews its policies and legislation so as to make them more effective in strengthening democracy, safeguarding human rights and fundamental freedoms and consolidating the rule of law. Many fundamental laws were amended before and during the previous reporting period.

32. In the current reporting period, as discussed under paragraphs 19–20, Article 10 of the Constitution concerning equality before the law was amended following the referendum of 12 September 2010. The new Article provides for measures in favor of groups that require social protection namely women, children, the elderly, the disabled, widows and orphans of martyrs as well as for the invalid and veterans. The introduction of a "special measures" clause for the first time in the Constitution is a significant improvement to strengthen the protection of constitutional rights of these people.

33. In the reporting period, as discussed in detail under Article 1 paragraphs 13–16, Ministry of the Interior in collaboration with relevant institutions drafted a comprehensive anti-discrimination legislation which is currently before the Office of the Prime Minister. The draft law broadens the grounds and scope of discrimination and establishes "the Anti-Discrimination and Equality Board" which will monitor complaints regarding discrimination in the public and private sector.

34. Turkish Government has recently proposed several legislative reforms (referred as "the democratization package") that concern more effective fight against hate crimes and discrimination. Proposed amendments include incorporation of hate motive into the TPC as an aggravating circumstance and increasing punishment for acts of discrimination under the TPC. Draft laws are before the Parliament.

2. Specific information on the legislative, judicial, administrative or other measures taken:

To give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that public authorities and public institutions act in conformity with this obligation

35. Legislative framework that prohibits public authorities from engaging in any act of discrimination is presented below:

- Article 10 (5) of the Constitution obliges organs of state and administrative authorities to act in compliance with the principle of equality before the law in all their proceedings.
- Article 7 of the Civil Servants Law no. 657 prohibits civil servants from discriminating in undertaking of their duties on the basis of language, race, sex, political view, philosophical belief, religion or sect. Article 125 subjects those engaging in discriminatory action to disciplinary sanctions.
- Article 18 of the Turkish Armed Forces Discipline Law no. 6413 subjects those engaging in acts of discrimination to disciplinary sanctions.
- Social Services Law no. 2828 (Article 4) prohibits discrimination in the execution and provision of social services on the basis of class, race, language, religion, sect or regional differences.

36. In case of an allegation of engaging in an act of racism or discrimination by a law enforcement officer, the investigation is conducted not by the judicial police but by the prosecutor with a view to maintaining objectivity.

37. Relevant public units/institutions implement non-discrimination laws to ensure that public authorities, in particular law enforcement officials, act in conformity with these laws. Information on these units is as follows:

- "Bureau for Inquiry on Allegations of Human Rights Violations" was established within the Inspection Board of the Ministry of the Interior in March 2004. The Bureau examines complaints concerning the allegations of human rights violations, including claims of discrimination related to law enforcement officers.
- The Gendarmerie Human Rights Violations Investigation and Evaluation Centre (JİHİDEM) investigates complaints concerning allegations of human rights violations, including claims of discrimination that occur in the gendarmerie's area of responsibility, ensures judicial and administrative investigation in the legal framework should the claims are substantiated, and informs the applicant on the developments and outcome of the proceedings, and announces them publicly.
- Office of the Ombudsman is responsible for examining and investigating all kinds of acts and transactions, attitudes and actions of the administration, regarding their compliance with the rule of law and fairness, within the context of an understanding of justice based on human rights, and for making recommendations to the administration. Investigation of allegations of discrimination by public officials naturally falls within the scope of the duties of Ombudsman.
- The Turkish National Human Rights Institution receives and investigates allegations of all human rights violations including allegations of discrimination by public officials.
- Human Rights Inquiry Committee of the Parliament also provides an important assistance on the investigation of alleged cases of ill-treatment by the police officers and other security forces. In this connection, police and gendarmerie stations and prisons are inspected by the Human Rights Inquiry Committee with or without notification. Special sub-commissions are established periodically under the Human Rights Inquiry Committee to inspect prisons and police stations. In this context, a permanent subcommittee has been established; whereby 20 prisons were inspected since June 2011.

38. Concerning civilian review of the security forces, "Draft Law on the Establishment of Law Enforcement Monitoring Commission and Amendment of Certain Laws" has been submitted to the Parliament in 2012 and is expected to be discussed at the Parliament.

39. The draft law aims to reassure public and law enforcement officials' confidence in the law enforcement complaint system and to bring the current legal framework of the registry and investigation mechanisms regarding complaints about law enforcement officials in line with the European Union standards. A more efficient complaint system will be established without creating a burden on bureaucracy. The draft law envisages the establishment of the Law Enforcement Monitoring Commission. The Commission is envisaged to perform the duties specified in the law independently, under its powers and responsibilities.

To give effect to the undertaking to prohibit and bring to an end racial discrimination by any persons, groups, or organizations

40. With regard to prohibition of discrimination by private actors, Article 5 of the Labour Law No. 4857 entitled "principle of equal treatment" prohibits discrimination on

the ground of language, race, sex, political thought, philosophical belief, religion, sect and similar grounds in employment relations. In case of violation of the provisions of this article, the worker can demand the rights that he/she has been deprived of, in addition to an appropriate indemnity equivalent up to four months' wages.

41. Article 82 of the Law on Political Parties no. 2820 states that political parties are not allowed to function with the aim of regionalism and racism. Article 83 affirms that political parties shall not function in contradiction with the principle that all individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or other similar considerations.

42. Furthermore, principle of non-discrimination also appears in the Law on Political Parties with regard to the provision which regulates membership in a political party. Statutes of political parties cannot contain clauses of discrimination among applicants for membership on grounds of language, race, sex, religion, sect, family, group, class or profession (art. 12).

43. Article 30 (b) of the Law on Associations no. 5253 states that associations shall not be established to realize objectives expressly prohibited by the Constitution and laws or to commit criminal offences. This includes prohibition of discrimination. Persons who establish associations prohibited under article 30 (b) or executives of associations who act in contradiction to the said article, shall be sentenced at minimum to imprisonment for a term of one year to three years and a judicial fine. In such cases, the association in question shall be closed down (Article 32 (b)).

44. Concerning associations, the Civil Code (Law No. 4721) states that no association shall be founded for purposes against the law and morality (art. 56). If an association's objectives are not compatible with the legislation and public morals, a court may order the dissolution of the said association upon the request of the public prosecutor or any other concerned person (art. 89). Furthermore, Article 68 of the Civil Code states that members of an association have equal rights and that discrimination on the basis of language, race, sex, religion, sect, family, group or class among members of an association is prohibited.

45. As stated earlier in paragraph 29, Article 122 of the TPC makes it a criminal offence, punishable by imprisonment for a term of six months to one year or a judicial fine, to discriminate against a person on the grounds of language, race, colour, sex, disability, political opinion, philosophical belief, religion, sect or similar reasons where the offender, on these grounds, prevents the sale or transfer of movable or immovable property or the execution of a service or prevents others from benefiting from a service, or employs or does not employ a person; does not provide food or refuses to provide a service meant to be provided for the public; or prevents a person from undertaking a regular economic activity.

To review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination

46. Turkish government continuously reviews its laws, regulations and policies with a view to bringing them in line with Turkey's international human rights obligations and commitments. In the past decade a major overhaul of fundamental laws were undertaken. Relevant government institutions closely monitor the legislation and its implementation and accordingly propose amendments where necessary.

47. For example, while reviewing the legislation, due attention has also been given in order to remove connotations that might be perceived as discriminatory. Just as an example, Article 21 of the Law regarding the Residence and Travel of Foreigners in Turkey has been amended to ensure the removal of some references which might be perceived as discriminatory with regard to the Roma.

To encourage, where appropriate, non-governmental organizations and institutions that combat racial discrimination and foster mutual understanding

48. Throughout the ongoing reform process in Turkey, NGOs operating in the field of human rights including those focusing on discrimination have been more vocal. The Government has increased dialogue with the representatives of civil society, and met and consulted NGOs on various issues in the reform process.

3. Information on National Human Rights Institution, Ombudsman and other human rights bodies

49. Turkey achieved significant progress in the reporting period with regard to institutionalization in the field of human rights and important institutions were established in order to provide institutional safeguards for human rights. A comprehensive consultation process was carried out with the participation of relevant parties during the preparation of the laws on the establishment of these institutions.

50. The Law on the Turkish National Human Rights Institution entered into force on 30 June 2012 and the process of establishing the Turkish Human Rights Institution, in compliance with the UN Paris Principles, was initiated. The elections of the members of the Human Rights Board, the decision-making body of the institution, were completed as of 2012 September. It is stipulated in this Law that the institution would be independent in its authorities and while carrying out its duties. This institution is responsible for carrying out work on the protection and enhancement of human rights, and in this framework, for undertaking investigations and research, preparing reports, submitting opinions and recommendations, conducting activities for information, awareness-raising and training and investigating allegations of human rights violations.

51. The Turkish National Human Rights Institution is a public legal entity which has administrative and financial autonomy. It is independent regarding its duties and authorities; the Institution may not be given orders or instructions, recommendations or opinions regarding its duties. Due to administrative and financial autonomy, the Institution has its own budget, personnel and property and it is authorized to make its own administrative arrangements regarding matters under its responsibility.

52. The Turkish National Human Rights Institution is given a wide mandate in the protection and promotion of human rights. The mandate naturally includes combatting racial discrimination.

53. The Law on the Ombudsman Institution entered into force on 29 June 2012. With this Law, the Ombudsman Institution was established under the Parliament as a public legal entity with a special budget. Ombudsman is mandated with reviewing and investigating complaints concerning the functioning of the administration, that is to say all kinds of acts and transactions, attitudes and actions of the administration regarding their compliance with the rule of law and fairness, within the context of an understanding of justice based on human rights. The institution is also entrusted with making recommendations to the administration. In accordance with the principle of independence, the Chief Ombudsman and Ombudsmen may not be given orders or instructions by any authority, body, office or person regarding their duties.

54. The institution began to receive complaints on 29 March 2013 and as of 6 December 2013 6,983 applications were submitted. Lodging an application is free of charge and applications can be submitted electronically as well as through governorates and district governorates in provinces and districts.

55. The Ombudsman Institution is able to perform promotional activities concerning application procedures and principles in different languages within the framework of the

relevant regulation. Accordingly, posters and brochures prepared in Turkish, English, Arabic and Kurdish were sent to provinces.

56. The establishment of an Ombudsman system in Turkey is one of the most important steps taken for accountability, fairness and transparency of the public administration. The Ombudsman Institution will improve the quality and effectiveness of public services, by addressing fairly, speedily and free of charge the complaints of citizens regarding public services, in accordance with the law. Investigation allegations of all forms of public officials fall within the scope of the mandate of the Ombudsman.

57. Complaints brought before the Ombudsman involving allegations of discrimination are discussed under Article 6 paragraph 183.

58. Since 1990 the Human Rights Inquiry Commission of the Parliament functions as a parliamentary monitoring mechanism. The Commission examines the extent to which human rights practices in Turkey comply with the requirements of the Constitution, national legislation and international conventions to which Turkey is party. The Commission possesses powers of investigation and, in the performance of its duties, is empowered to request information from Ministries and other government departments, local authorities, universities and other public institutions as well as private establishments, to conduct inquiries on their premises and to invite the representatives of these bodies to appear before it and provide information. The Commission also conducts on-site inspections in detention centers and prisons with or without notification.

59. The Commission submits to the Presidency of the Parliament annual and ad hoc reports concerning the issues within its mandate and the discharge of its duties. Its findings are also conveyed to competent government offices for action. The Commission has gained public confidence in effectively using its competences in investigating alleged violations. Specific work of the Commission involving complaints of racial discrimination are set out under Article 6 paragraphs 184-187.

60. The Constitutional Amendment Package, which was adopted with the referendum of 12 September 2010, paved the way for the right of individual application to the Constitutional Court. The main aim of adopting an individual application mechanism is to resolve the cases of violation of fundamental rights through domestic law. Furthermore, the individual application mechanism paves the way for enhancing the rule of law and improving standards of democracy in Turkey by effectively protecting human rights.

61. The implementation of the individual application system to the Constitutional Court, which is an exceptional domestic legal remedy for the violation of individual rights and freedoms guaranteed by the Constitution and the international conventions to which Turkey is party through transactions, acts or negligence of public authorities, started as of 23 September 2012. Between September 2012 and December 2013, over 10 thousand individual applications were submitted to the Constitutional Court. Information on the outcome of the individual applications before the Court related to racial discrimination is presented under Article 6 paragraphs 182.

4. Special measures

62. Special measures targeting the Roma are presented below. Southeast Anatolia Project (GAP), aimed at overcoming regional socio-economic disparities follows. In 2009, the Turkish Government initiated a "democratic opening" process towards Turkey's Roma population. A chronological list of events and meetings organized within this framework is presented below:

- Under the leadership of the then State Minister Faruk Çelik, the government held a workshop in December 2009, bringing together representatives of the Roma

community with public officials to discuss issues of employment, housing and education.

- The workshop was followed by the big "Roma gathering" in March 2010, which was attended by 10,000 Roma citizens from all over Turkey. Prime Minister Erdoğan addressed the crowd, stressing that Roma were equal citizens of the country and promising that the government would do all it could to address the community's problems.

- In February 2011, the Ministry of National Education held a workshop entitled "Enhancing Educational Opportunities for Roma Children" which was followed by the drafting of a unique and detailed action plan to detect and monitor irregular school attendance, prevent dropping out of school and strengthen preschool education. The initiative was welcomed by the European Union and was noted in Turkey's progress report.

- The Turkish Employment Agency, under the Ministry of Labour and Social Security, held a two-day workshop in September 2011 entitled "Participation of Roma in the Labour Market". Following the workshop, the Agency launched a mediator's programme which aims to select Roma and non-Roma mediators who will be trained to facilitate access of the Roma population to the job market. The Agency also runs the "Work for Public Benefit" programme, which provides six-month temporary jobs for unemployed people in order to facilitate their entry into the job market, teach them skills and provide them with consistent income. Fifty-nine governorates where large Roma populations live have been ordered to prioritize this group when selecting beneficiaries. The Agency expects 1,500 Roma to benefit from this programme. Furthermore, 537 Roma citizens benefited from certificate programmes on vocational education, conducted by the Turkish Employment Agency.

- A Prime Ministerial Circular was sent to all governorates in Turkey instructing them to issue identity cards without any fees to all Roma citizens in their jurisdiction.

- The Housing Administration of Turkey (TOKİ) has constructed 10,000 units of housing in various parts of the country for Roma who lived in poor conditions.

- In addition, Roma, as vulnerable persons, are part of the target group of the European Union Instrument for Pre-Accession Assistance (IPA) funds in Turkey. On 15 June 2012, the Ministry of Labour and Social Security launched the "Improving Social Inclusion and Access to the Labour Market for Disadvantaged Groups" which aims to promote the inclusion of disadvantaged persons into the labour market and eliminate discrimination towards them when seeking jobs. Among all disadvantaged groups, the Roma will specifically be targeted under the programme and 30% of the project budget will be used in areas with a heavy Roma population.

- Since its establishment in 2011, the Ministry of Family and Social Policies has taken over the co-ordination duty for all Roma initiatives of the government, making the process more efficient.

- "The Problems of Roma People and Recommendations for These Problems" meeting was held on 18 July 2012 headed by Deputy Prime Minister Bekir Bozdağ and the Minister of Family and Social Policies Fatma Şahin with the participation of the under-secretaries of relevant Ministries. During the meeting six areas of action were specified and the relevant Ministries were assigned to undertake necessary work in the fields of education, employment, security, settlement, social policy and health.

- On 30 November 2012, Deputy Prime Minister Bekir Bozdağ and Minister of Family and Social Policies Fatma Şahin met with the governors of eighteen provinces where large Roma populations live, and sought their views on problems encountered by Roma people and recommendations for them. Two more provinces joined the undertakings. With a view to coordinating the efforts on social policies for the Roma, a deputy manager was appointed in each of the provincial directorates of Ministry of Family and Social Policies in those twenty provinces.

- Within the framework of the ongoing project entitled "Collaboration of Public Sector and NGOs for Roma Participation", a workshop on the problems faced by Roma in the field of education, housing, health, social welfare and fundamental human rights was organized by Ministry of Family and Social Policies, Ministry of Labor and Social Security and NGOs that specifically focus on Roma between 13 and 14 December 2012.

- "Meeting Roma People, Working with Roma People" workshop was carried out in collaboration with the Governorate of Kırklareli, Directorate of National Education, Kırklareli University and Thrace Development Agency on 8 April 2013. The workshop focused on Roma people and European examples, the solutions for social, cultural, economic and educational problems faced by the Roma, strategic planning concerning difficulties experienced by the Roma in the field of education and alternative education practices in densely Roma populated areas.

- A workshop entitled "Sociological Outlook of Roma People and Future Scenarios" was held by Kocaeli Municipality with the participation of representatives of Roma organizations on 18 April 2013. Social cohesion, challenges encountered by women, children, disabled and the difficulties in the field of employment, education, health, housing and social support were discussed in the workshop.

- As one of the reform steps announced within the framework of the "democratization package" unveiled by the Government on 30 September 2013, the Higher Education Council has taken a decision for the establishment of the Institute of Roma Language and Culture at Trakya University to carry out research on the problems of the Roma citizens regarding language and culture and to formulate solutions for these. The "democratization package" also calls for further steps to be taken for Roma in the fields of education, housing, education and adequate standard of living.

- On 30 September 2013, the Human Rights Inquiry Commission of the Parliament met with the representatives of the Roma Social Assistance and Solidarity Association from several provinces. The Commission informed the relevant institutions of the complaints and concerns brought to their attention by the association. The Commission closely follows up with the relevant institutions about the outcome of these concerns.

- On 30 October 2013, a meeting titled: "Thrace Region Roma Meeting" was held with the participation of Deputy Prime Minister, Bekir Bozdağ; the Minister of Family and Social Policies; and the Minister of Health as well as the participation of the parliamentarians from the provinces in the region, and the representatives of the Roma non-governmental organizations.

- Ministry of Family and Social Policies is currently working on a national strategy and action plan concerning the Roma.

- In addition, Directorate General of Security, with the framework of "community supported policing" held twelve projects in six provinces between 2007 and 2012 with a view to advancing the integration of the Roma and protecting them against

crimes and harmful habits. As a result of the projects, dialogue with Roma citizens improved, sense of citizenship and belonging of the Roma increased.

- The Roma "opening" process has been carried out in a participatory manner, making sure that the Roma themselves have a say in policies and programmes that are targeting them. In almost all meetings and events, the government has been represented at the highest level, indicating the good-will and solution-oriented approach adopted towards the issue. In addition to the growing number of Roma NGOs due to the community's heightened awareness of civic participation, an indirect result of the process has been a much-improved sense of self-respect and belonging on the part of the Roma community.

63. As an example of special measures to eliminate regional differences and thus any unintended inequality in economic status among citizens, Southeast Anatolia Project (GAP), which was launched with a view to bridging the gap in the level of development between the Southeast and other parts of Turkey and overcoming regional socio-economic disparities, was revived by the GAP Action Plan of 2008-2012. The Action Plan consisted of 4 axes, namely, economic development, social development, improvement of infrastructure and development of institutional capacity. Within the scope of the action plan, progress on irrigation was made, transport networks were improved, energy investments were almost completed and amounts of loans provided to small and medium enterprises (SMEs) were increased. Education and health indicators reached the country average by means of the investments made. Resource allocated to the investments in the GAP Region was 4.26 billion TL in 2012 and 3.68 billion TL of this amount was allocated for GAP Action Plan investments. The GAP Action Plan was completed at the end of 2012 and the Revised Action Plan (2013-2017) which includes new innovative, sustainable projects and programmes accelerating economic and social development and increasing employment was launched in 2013.

Article 3

64. Racial segregation and apartheid are concepts alien to the Turkish society. Any policy, ideology or regime which defends racial hatred and discrimination is condemned and penalized by law.

65. Intercultural dialogue and harmony have deep roots in Turkey. The Republic of Turkey adheres with great dedication to the legacy of multi-faith tolerance, diversity and cultural pluralism. Every Turkish citizen is considered an indispensable part of the nation. Their origins are the sources of richness in Turkish society and can be enjoyed and preserved through the exercise of individual liberties.

Article 4

1. Information on the legislative, judicial, administrative or other measures that give effect to the provisions of Article 4, including enactment and enforcement of laws

66. Turkey condemns all propaganda and all organizations which are based on ideas of superiority of one race or group of persons of one colour or ethnic origin or which attempt to justify or promote racial hatred and discrimination in any form. Article 216 of the Turkish Penal Code under Section 5 entitled "offences against public peace" prohibits incitement to hatred or enmity on the grounds of social class, race, religion, sect or regional difference. Article 216 reads:

(a) A person who openly incites groups of the population to breed enmity or hatred towards one another based on social class, race, religion, sect or regional difference in a manner which might constitute a clear and imminent danger to the public order shall be sentenced to imprisonment for a term of one to three years.

(b) A person who openly denigrates part of the population on grounds of social class, race, religion, sect, sex or regional differences shall be sentenced to imprisonment for a term of six months to one year.

(c) A person who openly denigrates the religious values of a part of the population shall be sentenced to imprisonment for a term of six months to one year in case the act is likely to distort public peace.

67. Article 218 of the TPC under the same section increases the penalty imposed by half if the offences defined under section 5 including under Article 216 are committed through media and press.

68. With regard to paragraph 14 of the Concluding Observations of the Committee, Turkey would like to reiterate that the first paragraph of Article 216 of the Turkish Penal Code regulates the limits of the freedom of expression with a view to preventing incitement to social, racial, religious or regional enmity or hatred when there is a clear and imminent danger to public order. This article aims to strike a balance between high standards of freedom of expression, while effectively addressing the problem of incitement to hatred on the above-mentioned grounds.

69. Turkey upholds that expressing thoughts in a free environment is a sine qua non for a democratic society. The definition of the offence described is made in the light of this approach. In order for an act to be considered within the scope of the Art 216 (1), it must be conducted in such a manner that it endangers public security in concrete terms. The danger of disruption of public safety should be based on concrete elements. Speeches delivered and thoughts expressed can be prohibited, so long as they constitute a "clear and imminent danger" to the society. Unless the existence of such a danger is established on a concrete and explicit basis, no punishment can be enforced in order to protect the freedom of expression.

70. Furthermore, Article 8 (b) of the Law no. 6112 on the establishment of Radio and Television Enterprises and Their Media Services of 2011 prohibits media services from inciting the society to hatred and hostility by discriminating on the grounds of race, language, religion, sex, class, region and sect and prohibits them from constituting any feelings of hatred in the society.

71. The draft "Law on Anti-Discrimination and Equality" described in paragraphs 13-16 also deals with hate speech.

2. Racial motives as aggravating circumstances under domestic penal legislation.

72. Turkish Government has recently proposed several legislative reforms that concern more effective fight against hate crimes and discrimination. Proposed amendments include incorporation of hate motive into the TPC as an aggravated circumstance and increasing punishment for acts of discrimination under the TPC. Draft laws are before the Parliament.

73. Due consideration was given to the Committee's recommendation in paragraph 23 of the Concluding Observations with regard to incorporation of hate crimes into the TPC as an aggravating circumstance.

3. Explanation for absence of legislation

Turkey has relevant legislation in place as presented above under article 4, heading 1.

4. Information concerning decisions taken by national tribunals and other State institutions regarding acts of racial discrimination in particular those offences under Article 4

74. The table below indicates the number of accusations and judgments rendered by the courts under Article 216 and 218 of the TPC between the 2009 and 2012.

			Number	Types of judgments in relation to the accused			
Article	*Year*	*Number of accusations*	*of judgments rendered under this article*	*Number of persons convicted*	*Number of persons acquitted*	*Other**	*Total number of accused*
216/1	2009	108	162	35	71	66	172
	2010	261	249	26	45	188	259
	2011	300	168	5	60	104	169
	2012	141	218	13	83	124	220
216/2	2009	22	18	5	9	5	19
	2010	134	123	5	17	102	124
	2011	32	20	1	13	6	20
	2012	41	66	9	21	40	70
218/1	2009	1	4	0	0	4	4
	2010	1	4	5	1	2	8
	2011	5	1	0	0	1	1
	2012	2	36	0	0	38	38

* Other types of judgments include suspension of pronouncement of judgment, decision of lack of jurisdiction, decision of lack of venue, discontinuance of the proceedings (e.g. time barred), suspension of the case (due to e.g. conditionality placed upon investigation or prosecution).

75. Statistical data concerning other judgments on relevant articles of the TPC, namely Articles 77/2, 78/1 (first sentence), 78/1 (second sentence), 122/1-a, 122/1-b, 122/1-c, 135/2 is set forth under Article 6.

76. Furthermore, the Constitutional Court began to receive individual applications as of September 2012. Information on the outcome of the individual applications before the Court related to racial discrimination is presented under Article 6 paragraph 182.

77. The Ombudsman, the Human Rights Inquiry Commission of the Parliament and the Turkish Human Rights Institution are also authorized to receive and consider individual complaints of discrimination. Information concerning applications involving claims of discrimination is presented under Article 6 paragraphs 183-187.

Article 5

78. It is the underlying principle of the Turkish Constitution that there can be no discrimination in the enjoyment of fundamental rights and freedoms. The Government takes effective measures to prohibit discrimination in the enjoyment of these rights.

III. Information grouped under particular rights

A. The right to equal treatment before the tribunals and all other organs administering justice

79. Article 36 of the Constitution safeguards everyone's right to litigation as plaintiff or defendant and the right to a fair trial before the courts through lawful means and procedures. No court shall refuse to hear a case within its jurisdiction.

80. Every Turkish citizen has the right to launch legal action before the relevant judicial courts should he/she believe that his/her fundamental rights or freedoms have been violated.

81. Furthermore, everyone has the right to access to lawyer, including free legal assistance in both civil and criminal proceedings.

82. An interpreter is provided by the State should the accused, victim or witness does not speak sufficient Turkish to explain himself/herself.

83. Furthermore, following a recent amendment of the Criminal Procedure Code, defendants who feel better at expressing themselves in a language other than Turkish are allowed to present their defense statements in the language they choose.

1. Measures taken to ensure claims of racial discrimination are investigated thoroughly

84. Any claim of discrimination based on race, colour or any other grounds, including claims made against public officials, is investigated by independent authorities and is subject to independent and effective scrutiny by courts and/or administrative and parliamentary mechanisms established to hear such claims. Further information on these remedies can be found under paragraphs 174-187. Once the domestic remedies are exhausted, applications can be submitted to the European Court of Human Rights, the compulsory jurisdiction of which was recognized by Turkey in 1990.

2. Measures taken to ensure that fight against terrorism do not discriminate on any grounds

85. In the fight against terrorism, Turkey does not discriminate in purpose or effect on the grounds of race, color or any other grounds, and individuals are not subjected to racial or other profiling or stereotyping. The Government revises the anti-terror law on a regular basis with a view to effectively safeguarding fundamental rights and freedoms, the most recent one being in April 2013 within the framework of the fourth judicial reform package.

86. Information on the training of law enforcement officials and judicial officers on human rights including the prohibition of discrimination is presented in paragraphs 193-196 under article 7.

B. The right to security of persons and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution

87. The right to liberty and security of persons is safeguarded by the Constitution. Perpetrators of any criminal act including all acts of violence and hate crimes are swiftly captured and brought to justice. The Government constantly reviews the legislation and its implementation with a view to ensuring prompt, effective, transparent and independent investigations. Requisite inquiries are given effect without delay in order to prevent impunity.

88. Turkish legislation prohibits discriminatory actions by law enforcement officers. The conditions for use of force by the police are defined by Law no. 2559 on "Powers and Duties of Police". The law was amended in 2007 in accordance with the UN Basic Principles of the Use of Force and Firearms as well as good practices in some other countries. The law stipulates limits on the powers of the police to use weapons inter alia in self-defence and prevention of escape by a lawfully convicted or arrested person. The police may only use weapons, where essential, after a gradual use of proportionate force. Similarly, the Law on Organization, Duties and Competences of Gendarmerie (Law No. 2803) includes limits on the competence of the gendarmerie to use weapons.

89. Law enforcement officers are regularly trained for eradicating the use of excessive force. As regards the measures to avoid disproportionate use of force by the police in Turkey, circulars and written orders have been issued by the relevant authorities and regularly sent to all Police Departments in provinces. Officers violating the circular on "norms of intervention for public demonstrations" (Circular no. 129/2004) are prosecuted.

90. In order to ensure that security personnel wearing riot gear could be identified and discouraged from any use of excessive force, identity numbers are printed on their helmets since 2009.

91. In addition to the judicial ones including the jurisdiction of the European Court of Human Rights, administrative and parliamentary remedies are available against violations of fundamental rights including acts of discrimination by public officials or individuals (please see paragraphs 182-187). Measures taken to ensure non-citizens are not returned to a country of territory where they are at the risk of being subjected to serious human rights violations:

92. Turkey, in accordance with its obligations stemming from the international agreements to which it is a party, does not return any asylum-seeker to any country or territory where he or she will face persecution, and diligently complies with the principle of non-refoulement, pursuant to Article 33 of the UN 1951 Refugee Convention.

93. Asylum-seekers, who are not granted refugee status but are at the risk of being subjected to death penalty, to torture or inhuman or degrading treatment or punishment, or asylum seekers in whose country of origin there is a serious and individual threat against a civilian due to indiscriminate violence resulting from international or domestic armed conflict, are not deported, and allowed to stay temporarily in Turkey under the "Subsidiary Protection and Protection with Humanitarian Considerations" scheme.

94. In the same context, before deporting persons who have not applied for asylum and are caught as illegal immigrants, an investigation with respect to the country of origin is carried out and the illegal immigrant is not returned or deported to the country of origin if he or she is at the risk of being subjected to death penalty, to torture or inhuman or degrading treatment or punishment, or there is a serious and individual threat against a civilian due to indiscriminate violence resulting from international or domestic armed conflict in the country of origin.

95. Asylum seekers can appeal against the procedures undertaken by the Turkish authorities before the Administrative Courts and the European Court of Human Rights.

96. With regard to paragraph 15 of the Concluding Observations of the Committee, the circumstances under which the withdrawal of the geographical limitation to the 1951 Convention relating to the Status of Refugees can be considered were clearly stated in the 2005 National Action Plan on Asylum and Immigration:

- This must not lead to an influx of refugees from the East.

- The legislative changes and infrastructural investments referred to in the National Action Plan on Asylum and Immigration are completed.
- EU Member States show the necessary sensitivity on burden-sharing.
- Turkey and the EU sign the accession treaty.

97. Finally, the new Law on Foreigners and International Protection was adopted on 11 April 2013 in order to form the basis of an effective and strong migration management system by establishing the necessary legal and administrative infrastructure. The law will contribute to filling the gap left by the absence of an asylum law in Turkey and harmonizing the legislation with the EU Acquis on the basis of the UN 1951 Refugee Convention. Prepared with the participation of all relevant national and international stakeholders in a transparent and inclusive manner, the new law aims to establish a viable migration system in full consideration of respect for human rights. Accordingly, General Directorate of Migration Management which is responsible for all aspects of migration management in Turkey was established. According to the Law, a new "Migration Policies Board" will also be established which will be responsible for formulating Turkey's short and long term migration management strategies.

C. Political rights

98. With regard to paragraph 10 of the Concluding Observations of the Committee concerning "representation of ethnic groups in the Parliament and other elected bodies", every Turkish citizen has the right to vote, to be elected, and to engage in political activities independently or in a political party, and to take part in a referendum (Article 67 of the Constitution). Accordingly, the Constitution guarantees every Turkish citizen without regard to race, colour or any such consideration the equal right to participate in the political process on an equal footing. The Constitution and the laws safeguard the equal right to take part in the conduct of public affairs and to have equal access to public service.

99. The Law on Political Parties prohibits discrimination on, inter alia, religious and racial grounds and safeguards the principle of equality before the law.

100. Following the amendment of the election law in 2010 (Law. No. 5980), the ban on the use of languages other than Turkish in both written and oral forms during election campaigns and the sanctions related to this ban were lifted. Thus it became possible to carry out election campaigns in a language other than Turkish.

101. Furthermore, with a view to ensuring greater political participation and representation, the Government proposes in "the democratization package", unveiled on 30 September 2013, to initiate discussions on lowering the 10% election threshold for parties to enter the parliament to 5% with district system or abolishing the election threshold and establishing single member district system; to ease membership to political parties; to expand the scope of state aid to political parties (the limit for aid is to be reduced from 7% vote share to 3%); to facilitate local organization of political parties; to introduce co-chair system for political parties; to enable any kind of political propaganda by political parties and nominees as well as to allow campaign and propaganda in the preliminary elections in languages and dialects other than Turkish by lifting the remaining bans on Law no.298 and Law no. 2820 respectively.

102. All Turkish citizens can actively participate in public and political life and involve in the development and implementation of policies and programmes affecting them through engagement in civil society and local, regional and national politics and administrations.

D. Other civil rights

103. Article 5(d) of the Convention obligates States parties to ensure equality of enjoyment of a number of human rights and fundamental freedoms, including freedom of movement and residence; the right to leave and return to one's country; the right to nationality; the right to marriage and choice of spouse; the right to own property alone as well as in association with others; the right to inherit; the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression; and the right to freedom of peaceful assembly and association. These rights are guaranteed in the Constitution and relevant laws without distinction as to race, colour or any other consideration.

E. Economic, social and cultural rights

1. Right to work

104. The Constitution guarantees the right to work. Article 5 of Labour Law No. 4857 entitled "principle of equal treatment" prohibits discrimination on the ground of language, race, sex, political thought, philosophical belief, religion, sect and similar grounds in employment relations. In case of violation of the provisions of this article, the worker can demand the rights that he/she has been deprived of, in addition to an appropriate indemnity equivalent up to four months' wages. Article 18 of Labour Law concerning the conditions for termination of labour contracts explicitly states that race, colour, sex, marital status, family obligations, pregnancy, maternity leave, religion, political opinion and similar reasons do not constitute a valid reason for such termination.

105. In Turkey, there exists no distinction, exclusion, restriction or preference, in law or in practice between persons or groups of persons, on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which would have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity/treatment in employment or occupation.

106. Furthermore, allegations of discrimination in labour relations can be placed before the Labour Inspection Board of the Ministry of Labour and Social Security.

107. In the reporting period, the new Law on Occupational Health and Safety (no. 6331) was adopted in June 2012 in compliance with ILO Conventions No. 155 and 161. Moreover, by-laws on the implementation of the said Law are under preparation and previous by-laws are under revision. One of the most important novelties of the law is its coverage of employees in all work places. All employees benefit from the services of health and safety at work without any number limits and regardless of the type of work place. Foreign or migrant workers also fall within the scope of the law.

2. The right to form and join trade unions

108. The Constitution safeguards the right to form trade unions and to conduct collective bargaining.

109. In the reporting period, the Law on Trade Unions and Collective Agreements and the Law Amending the Law on Trade Unions of Civil Servants entered into force with a view to reflecting the amendments made to the trade union rights in the Constitution to the related laws. These laws introduce significant changes regarding the extension of the trade union rights.

110. With the Law on Trade Unions and Collective Agreements No. 6356, formation of trade union organs and procedures for the establishment of trade unions are facilitated and

the condition for founders of trade unions to have Turkish citizenship and be Turkish literate is removed.

3. The right to housing

111. Article 57 of the Constitution stipulates that the State shall take measures to meet the need for housing within the framework of a plan which takes into account the characteristics of cities and environmental conditions and supports community housing projects.

112. Social Housing Project is being implemented in order to meet housing requirements of disadvantaged groups and poor people under the cooperation of the General Directorate of Social Assistance of the Ministry of Family and Social Policies and TOKI (TOKI, the Housing Development Administration is the principal body in the implementation of housing and settlement policies as the provider of funds and land and as facilitator at local level to address the urgent housing needs of the society). Within the framework of the project, it is possible to acquire houses built as 1+1 and 2+1 houses with monthly instalments of 100 TL (less than 50 USD) in 270 months. In this context, construction of 12,000 houses was completed at the end of 2012; a protocol was signed for the construction of 40,000 houses and necessary planning for this purpose was made. It is aimed that 100,000 houses will be completed until 2023 in this context.

113. Social housing program is also implemented in the provinces where the population of Roma is high and their housing requirements are satisfied. Moreover, work is on-going to provide social housing in neighbourhoods and towns where the population of Roma is high. As of November 2013, a total number of 1856 houses were completed in the areas where the Roma population is high. In addition, 2088 houses are under construction in these areas.

114. Concept of racial discrimination by those who rent or sell houses or apartments is alien to Turkish society.

4. The right to public health, medical care, social security and social services

The Constitution safeguards the right to health and the right to social security.

115. Within the framework of the social-security reform process, a general health insurance system is introduced. In accordance with the new Law on Social Insurance and General Health Insurance (No. 5510) which entered into force in 2008, insurance premium of stateless persons, asylum-seekers and refuges are paid by the State and they are considered within the general health insurance. The new law strengthens the effective enjoyment of the right to health and social security for anyone residing in Turkey without social insurance.

116. Furthermore, Circular on Social Assistance and Solidarity Foundation was issued in 2009 in order to determine how the refugees/asylum seekers who do not fall within the scope of the General Health Insurance Law will benefit from the health and the other (in-kind and in-cash) benefits provided by Social Assistance and Solidarity Foundations. The circular was issued with a view to standardizing the different practises among the Governorates.

117. Circular no. 2010/03 of 24 March 2010 was issued and put into effect by the General Directorate of Social Services and Children Protection Institution with a view to ensuring uniformity in practice and coordination with the relevant departments regarding the actions to be carried out during and after the admission of unaccompanied asylum seeking-children, elders, and the persons with disabilities to the institutions.

5. The right to education and training

118. Turkish education system is based on Article 42 of the Constitution stating that "no one shall be deprived of the right to learn and education" and "primary education is compulsory for all citizens of both sexes and is free of charge in state schools".

119. Article 4 of the Basic Law on National Education states that educational institutions are open to all, regardless of language, race, sex or religion. No privilege shall be granted to any individual, family, group or class. The Higher Education Law also stipulates that educational institutions are open to all and that necessary measures shall be taken to ensure equal opportunity.

120. The basis of Turkey's education policies is to ensure that all citizens, regardless of language, race, color, sex, political thought, philosophical belief, religion or sect, enjoy their right to education in accordance with modern science and education, endowed with equal rights and opportunities.

121. Compulsory primary education was increased to 8 years in 1998 which in turn raised the enrolment rates in primary education. The new legislation introduced in 2012 extended compulsory education to 12 years.

122. Enrolment and attendance statistics are followed through e-school database so that non-schooling and drop-out cases can be easily detected. School drop-outs are monitored and supported with complementary projects such as "Come on girls, let's go to school!", "Increasing the Attendance Rate in Primary Education (1st to 8th graders)", "Increasing the Enrolment Rate of Girls".

123. With a view to overcoming regional disparities in socio-economic situation and income levels, social subsidies to increase schooling are provided. The Conditional Cash Transfer System provides monthly payments to families in need conditional to regular attendance of their children. The Directorate General for Social Assistance of the Ministry of Family and Social Policies manages extra schooling aids such as free distribution of education material and lunch aids.

124. The Ninth Development Plan Strategy (2007-2013) prioritizes schooling of girls particularly in rural areas. Eight year compulsory education and the introduction of pre-school education more systematically have contributed positively schooling of girls. School attendance rate of girls in primary education increased sharply in the past decade.

"Supporting Gender Equality in Education Project" will be launched by the Ministry of National Education in 2014

125. The new 12 year education system provides elective courses in languages and dialects traditionally spoken by Turkish citizens in the public education system. The courses are available in following languages: Kurdish (Kurmanji and Zazaki), Circassion (Adige and Abkhaz) and Laz. The 12 year education system also diversified the elective courses offered on the basis of the interests and skills of the students.

126. "The democratization package" announced by the Government on 30 September 2013 proposes the use of languages and dialects traditionally used by Turkish citizens in their daily lives in private schools as the medium of instruction.

127. Turkish nationals belonging to non-Muslim minorities have their own educational institutions. These institutions are regulated by the Law on Private Educational Institutions. In minority schools, children are able to learn their mother tongue. All courses except Turkish and Turkish culture are taught in the students' own languages.

6. The right to equal participation in cultural activities

128. The preamble of the Constitution includes a reference to the right to take part in cultural life, "acknowledging the birth right of every Turkish citizen to lead an honourable life and to develop his/her material and spiritual existence on the basis of national culture, civilization and the rule of law, through the exercise of the fundamental rights and freedoms set forth in this Constitution in conformity with the requirements of equality and social justice". Accordingly, every individual is free to participate in cultural life and activities.

Measures taken to prevent racial hatred and prejudice in sports and activities organized for promoting intercultural dialogue among the youth

129. Various penalties related to racism have been de ned in the new Law on Prevention of Violence and Disorder in Sports Law (no. 6222) which entered into force on 14 April 2011. In accordance with Article 14 of the law, those chanting in a defamatory manner shall be punished with a punitive fine and those who make a comment or perform a behaviour that contains defamation by discriminating on grounds of religion, language, race, ethnic origin, sex or sect differences of segments of the society in or around sports fields shall be sentenced to an imprisonment for a term of three months to one year. The penalty to be imposed for these offences shall be increased by half if they are committed by the means of holding or hanging a banner or of writing on the wall.

130. Furthermore, Article 3 of the Law on the Establishment and Duties of the Turkish Football Federation (no.5894) spells out the duties of the Federation which include inter alia fight against violence, match-fixing, illegal performance incentives, racism, doping and any kind of discrimination.

131. The Ministry of Youth and Sports prepared the "National Youth and Sports Policy Paper" which focuses on the prevention of all forms of discrimination, provision of equal opportunities, creation of a culture of tolerance and intercultural dialogue amongst the youth as well as prevention of violence, disorder and unethical behaviour in sports.

132. Accordingly, the Ministry of Youth and Sports organized several events aimed at promoting intercultural dialogue, social cohesion and respect for diversity as well as combatting prejudices and discrimination amongst the youth. Information on the projects implemented by the Ministry is presented under Article 7 in paragraph 203.

Measures taken to encourage and facilitate access to the media

133. Restrictions on broadcasting in languages and dialects traditionally used by Turkish citizens in their daily lives were lifted in 2002. The broadcasts first began with a radio programme on the state-run TRT Radio 1 in Bosnian on 7 June 2004, followed by broadcasting on the TRT-3 television channel on the same day.

134. Since 7 March 2006, the Radio and Television Supreme Council (RTUK) has granted permission for several private radio and TV stations upon their applications to broadcast in Kurmanji dialect of Kurdish and Zaza language. The radio and TV stations have started their broadcast in these dialects as of 26 March 2006.

135. Radio-1 and TRT-3 used to broadcast programmes in Bosnian on Mondays, Arabic on Tuesdays, Kurmanji on Wednesdays, Circassian on Thursdays and Zaza on Fridays until a new multilingual state-run TV channel, TRT-6, was established. In January 2009, TRT-6 started to broadcast in the Kurmanji and Sorani dialects of the Kurdish language and in the Zaza language 24 hours a day. Furthermore, TRT-AVAZ, broadcasting in Azeri, Kazakh, Kyrgyz, Uzbek and Turkmen languages, and TRT Arabic, broadcasting in Arabic, have been operational since March 21, 2009 and April 4, 2010 respectively.

136. The number of broadcasters in languages and dialects traditionally used by Turkish citizens in their daily lives increased to 25 in 2012. These broadcasters can freely broadcast without restrictions regarding the content, time limitations or subtitles/consecutive interpreting requirements.

137. The Anatolia News Agency started broadcasting in Kurmanji and Sorani dialects of Kurdish in addition to the English, Arabic, Bosnian, Croatian, Serbian and Russian as of September 2013.

138. Books, newspapers and periodicals are available in the languages and dialects traditionally used by Turkish citizens in their daily lives.

The status of minority languages in the media:

Minorities have their own media outlets.

7. The right of access to places of service

139. There has never been any official regulation or practice in everyday life in Turkey denying anyone, on the grounds of racial discrimination, the right of access to any place or service intended for use by the general public, such as means of transport, hotels, restaurants, cafes, theatres or parks. Such a consideration is alien to the Turkish society.

IV. Information by relevant groups of victims or potential victims of racial discrimination

Information on refugees and asylum seekers as well as the Roma was provided earlier.

1. Stateless persons

140. Persons who have been determined to be stateless on the basis of the investigations and considerations related to their nationalities are provided with a residence permit and access to education, work, health services and foreigner ID number. The naturalization procedure is carried out by the General Directorate of Civil Registration and Citizenship Affairs of the Ministry of the Interior in accordance with the Turkish Nationality Law No. 5901. Pursuant to Law (No.5683) on the Travel and Residence of Foreigners in Turkey, "subsidiary protection" is provided for.

2. Provision of Temporary Protection for Syrians

141. Turkey strictly complies with the principle of non-refoulement at the border and in accordance with the international procedures, provides Syrians with "temporary protection" without any discrimination.

142. The humanitarian operations of the Turkish Government are carried out on three tracks. Firstly, the Government maintains an open border policy. As of December 2013, there are more than 200 thousand Syrians registered at the 21 shelters in Turkey. All their needs (including access to education and health) are provided by the Turkish Government.

143. Secondly, Turkey assists the Syrians who live in various towns in the region outside the shelters (more than 400,000 as of December 2013). Necessary measures are taken to provide them with basic services, such as free health care. The financial burden on the Government has exceeded 2 billion Dollars.

144. The third track pertains to extending humanitarian relief items to northern parts of Syria at the zero point of the border. The total value of the aid channelled to Syria through this operation in support of the UN campaign is in the range of 200 million Dollars.

145. Access to education of Syrian children living at the shelters is safeguarded. Currently 57 thousand Syrian children receive schooling beginning from pre-school to end of high school. Nearly 2 thousand teachers, a great majority of whom are native Arabic speakers, work in these facilities. Furthermore, adult classes are also available. Currently, 9,115 adults are enrolled in 139 courses. In total 27,221 adults attended these courses.

3. Additional protection for persons belonging to non-Muslim minorities in Turkey and Dialogue with Different Faith Groups

146. There exists no universally recognized and legally binding definition of the term minority. Under the constitutional system of Turkey, the word "minorities" encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is party. In this context, minority rights in Turkey are regulated in accordance with the Lausanne Peace Treaty, under which Turkish citizens belonging to non-Muslim minorities fall within the scope of the term "minority". The term "minority" cannot be used for Muslim Turkish citizens.

147. Articles 37-45 of the Treaty (sect. III) regulate the rights and obligations of individuals belonging to non-Muslim minorities in Turkey. These provisions are recognized as fundamental laws of Turkey: the stipulations contained in articles 38 to 44 shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

148. In line with the constitutional system based on equality of citizens before the law, Turkish citizens belonging to non-Muslim minorities enjoy and exercise the same rights and freedoms as the rest of the population. Additionally, they benefit from their minority status in accordance with the Lausanne Peace Treaty.

149. Turkey honours its commitments under the Lausanne Treaty and recognizes the non-Muslim minorities in line with its obligations. In this connection, concerning paragraph 12 of the Concluding Observations of the Committee, there has therefore not been any change in or consideration to change the definition of minorities in the Turkish Law.

150. The Republic of Turkey adheres with great dedication to its legacy of multi-faith tolerance and cultural pluralism. Non-Muslim places of worship are administered by their own associations or foundations. Property rights regarding places of worship rest with the real or legal persons that have founded them. Non-Muslim minorities have their own schools, hospitals and media outlets. Foreign clergymen are able to serve in places of worship in Turkey. A number of foreign clergymen have been registered in Turkey to serve in places of worship with relevant working permit. There are 387 places of worship belonging to non-Muslim communities, including 87 churches run by foreigners residing in Turkey.

151. Concerning the issues arising from immovable properties of the non-Muslim minority foundations, the Turkish Government has made the necessary amendments in its legislation to remedy the situation. The new "Law on Foundations" (no: 5737) was adopted in 2008. Following the adoption of this Law, 105 community foundations applied for the registration of 1410 immovables. 181 immovable properties were registered in the name of community foundations upon their application.

152. In 2010, Turkish authorities re-registered a former orphanage building on Büyükada to the Greek Orthodox Patriarchate in compliance with the ruling of the European Court of Human Rights.

153. A decree further amending the Law on Foundations was published on 27 August 2011 for further improving the situation of non-Muslim Community foundations regarding the registration of their immovables. Provisional articles of the Law on Foundations and the decree enabled the Community Foundations, within a given period, to apply for registering immovables under their foundation. As a result, 307 properties were returned to the community foundations and it was decided to pay compensation for 21 properties.

154. Foundation Council of the Directorate General of the Foundations unanimously approved on 7 October 2013 to return the property of Mor Gabriel Monastery to the Monastery Foundation.

155. Concerning paragraph 18 of the Concluding Observations of the Committee, Turkish Government has the will to reopen Heybeliada (Halki) Theological School on the basis of a sustainable formula. Efforts to this end are ongoing with a constructive approach.

156. As regards the freedom of worship, in the reporting period, in addition to the return of properties to the community foundations, places of worship belonging to citizens of different faith groups have been renovated. In October 2011, Surp Giragos Church in Diyarbakır started its service following a restoration lasting for nearly two years. After the renovation, Surp Vortvots Vorodman Church belonging Meryem Ana (Virgin Mary) Armenian Church Foundation located in Kumkapı started its services following a ceremony held on 28 December 2011. Several buildings in the Armenian cemetery in Malatya were re-built and put into service by Malatya Municipality in June 2013. Furthermore, the Assyrian Orthodox community residing in Istanbul, who have difficulties in performing their religious service asked for an area to build a new church in Istanbul and this request has been met by Istanbul Metropolitan Municipality.

157. In addition, following the amendment of the Electricity Market Law No. 6446 on 30 March 2013, electricity bills of the places of worship will be covered from the fund under the budget of the Directorate of Religious Affairs. Along with mosques, there are 387 churches and synagogues benefiting from this right.

158. In terms of promoting the environment of tolerance and mutual understanding, religious ceremonies which were held in the reporting period are:

- The Historical Sumela Monastery in Maçka district of Trabzon on 15 August 2010, 15 August 2011, 15 August 2012 and 15 August 2013;
- Surp Hac Armenian Church on the Akhdamar Island of Lake Van on 19 September 2010, 11 September 2011, 9 September 2012 and 8 September 2013;
- Pazar Yeri Mosque, which used to be a church 88 years ago, in Alaçatı District of Izmir, on 28 May 2011;
- Surp Giragos Armenian Orthodox Church in Sur district of Diyarbakır on 23 October 2011 and 10 September 2013;
- Aya Yorgi Church in Alanya in Alanya Hıdır İlyas District on 14 April 2013.

159. In the field of education, permission was given as of 28 March 2013 to open a Greek minority school in Gökçeada following the request of the Greek community. The school in question has been re-opened in the academic year of 2013-2014 and started its activities.

160. Moreover, Ankara 13rd Administrative Court ruled that there is no obstacle before the request of the Assyrian citizens towards delivery of Assyrian courses along with the

curriculum of the Ministry of National Education in certain days or hours of the week in a pre-school to be opened under a community foundation.

161. As regards promoting respect for and protection of minorities, the Prime Ministry Circular of 13 May 2010 emphasizes that citizens of different faith groups are an inseparable part of Turkey and all public institutions are reminded that they should not raise any difficulties and vitiate their rights during their acts and transactions at the public institutions, as required by the Law. The Circular has been implemented meticulously.

162. Dialogue with different faith groups has intensified during the reporting period. On 14 February 2012, the fifth of the Civil Society Dialogue Meetings was held in Istanbul under the auspices of former Minister for EU Affairs and Chief Negotiator Egemen Bağış, with the participation of approximately 300 civil society organizations, foundations and associations representing the citizens of different faith groups and spiritual leaders of the communities. During the meeting, the problems faced by the citizens of different faith groups and the proposals and recommendations of civil society organizations regarding their solution were discussed, and assessments regarding Turkey's accession process were made. On 3 March 2012, Minister of Foreign Affairs Ahmet Davutoğlu paid a courtesy visit to the spiritual leaders of different faith groups in Istanbul. On 5 July 2012, the President of Religious Affairs, Mehmet Görmez visited Greek Orthodox Patriarchate.

163. As Turkish authorities come together with the representatives of different religious groups in Turkey, they also meet with the Assyrian representatives and discuss ways and means to tackle the issues and problems that they might be encountering. In this context President Abdullah Gül and Minister of Foreign Affairs Ahmet Davutoğlu met with Assyrian representatives in February and March 2013 respectively.

164. Most recently, a consultation dinner with the representatives of different faith groups was hosted by Egemen Bağış, former Minister for EU Affairs and the Chief Negotiator on 28 November 2013. In this event attended by the representatives of various community foundations, Director General for Foundations, the Representative of Community Foundations of the Foundations Council and the representatives of the relevant public institutions, an extensive consultation was made on the outstanding problems.

165. With regard to paragraph 24 of the Concluding Observations of the Committee concerning the activities of the Minority Issues Assessment Board, an ad-hoc group of officials, held periodic consultations with the high ranking representatives of the minorities in Turkey in 2004, 2005, 2006 and 2009. During these consultations, religious, cultural, social, administrative problems encountered by these faith groups as well as the challenges they faced concerning their foundations and immovables were discussed.

4. Gender Equality

166. Turkey is committed to the goals of improving the living standards and the rights of women, ensuring their full and equal participation in all spheres of life and strengthening their status in society.

167. Equality between women and men before the law is one of the basic principles of the Turkish Constitution. Article 10 stipulates that "women and men have equal rights" and that "the State is responsible for overseeing that this equality is upheld in practice". With the 2010 Constitutional amendments, a basis for positive discrimination in favour of women was established by stating that measures to guarantee gender equality in practice could not be interpreted as being contrary to the principle of equality.

168. A Commission for Equal Opportunity between Women and Men was established on 24 March 2009 in the Turkish Grand National Assembly. The Commission, whose primary

goal is to contribute to the protection and development of women's rights, also monitors developments on this issue at the national and international levels.

169. Ministry of Family and Social Policies was established in June 2011 so as to unify a number of Government Agencies responsible for developing policies and providing services for the disabled, children, families, the poor and women under a single structure.

170. The representation of women in parliament has increased sharply in the past ten years, as it was 4.4% in 2002 with 21 women parliamentarians, 9.1% in 2007 with 48 women parliamentarians and has risen to 14.1% in 2011 with 78 women parliamentarians. This is a significant improvement towards the achievement of the target for women's representation as 17 per cent in parliament by 2015 as referred to in the Millennium Development Goals Report in 2005.

171. Labour force participation rate for women has risen to 31.3% in 2013. Unemployment rate amounted to 9.8%, while this rate for youth was 18.7%. The women employment rate increased by 0.6 point compared to the same period of the last year and amounted to 27.4%, while unemployment rate for women corresponded to 12.4%. Providing child care services for the working women has become a prerequisite in order to increase the women employment.

172. Turkey actively contributed to the elaboration of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The Convention, also known as the Istanbul Convention, was opened for signature in May 2011 during Turkey's Chairmanship of the Council of Europe. Having submitted its instrument of ratification to the Secretariat of the Council of Europe on 14 March 2012, Turkey is the first country to sign and to ratify the Convention.

173. The new law on "Protection of the Family and Elimination of Violence Against Women" was adopted by the Turkish Grand National Assembly on 8 March 2012. Being the first law in Turkey which defines and tackles domestic violence, the law broadens the scope of the previous legislation to cover all women victims regardless of their marital status, as well as other members of the family. Seminars were organised at provincial level so as to introduce the new law with a view to reaching the implementing units of the public institutions/organisations which provide direct service to women victims of violence in 81 provinces and ensuring the standards and the uniformity in implementation in providing the services.

174. Moreover, in line with the Law on the Protection of Family and Prevention of Violence against Women, Violence Prevention and Monitoring Centres (ŞÖNİM) which offer counselling and guidance services to prevent violence and effectively implement protective and preventive measures were established in 14 pilot provinces (İstanbul, Ankara, İzmir, Bursa, Denizli, Antalya, Mersin, Adana, Samsun, Trabzon, Gaziantep, Şanlıurfa, Diyarbakır and Malatya). Violence Prevention and Monitoring Centres rendered services to 4,514 persons in total (4,434 women and 80 men), between late December 2012 and June 2013.

175. "National Action Plan on Combating Domestic Violence Against Women" was revised for the years 2012-2015. The Action Plan contains targets such as, implementation of legislative measures, promoting awareness raising activities, empowering of women in economy, ensuring social participation, improvement of preventive services, treatment and rehabilitation. Some temporary special measures have also been taken to this end. For instance, in June 2012, some 150,000 women who lost their husbands were entitled to cash transfers in an attempt to alleviate the poverty of female headed households. Measures are also taken to increase the access of girls to education and women to employment, lowering taxes for women, strengthening the training of public officials in gender equality.

176. Directorate General on the Status of Women of the Ministry of Family and Social Policies is currently implementing the 2012-2016 Project on Increasing Women's Access to Economic Opportunities, in cooperation with the World Bank and with the financial support of the Swedish International Development Cooperation Agency (SIDA).

V. Information on articles 6 and 7 of the Convention

Article 6

1. Information on the legislative, judicial, administrative or other measures taken to give effect to provisions of Article 6

177. Every Turkish citizen has the right to launch legal action before the relevant judicial courts should he/she believe that his/her fundamental rights or freedoms have been violated. All remedies are available against violations of fundamental rights and freedoms including acts of discrimination.

178. Article 40 of the Constitution states that everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities. The State is obliged to indicate, in its official transactions, the legal remedies and authorities to which the persons concerned should apply and their time limits. Damages incurred by any person through unlawful treatment by public officials shall be compensated by the State. The State reserves the right of recourse to the official responsible.

179. Furthermore, everyone has the right to access to lawyer, including free legal assistance in both civil and criminal proceedings. An interpreter is provided by the State should the accused, victim or witness does not speak sufficient Turkish to explain himself/herself.

180. Following a recent amendment of the Criminal Procedure Code, defendants who feel better at expressing themselves in a language other than Turkish are allowed to present their defense statements in the language they choose.

181. Any claim of discrimination based on race, colour or national or ethnic origin, including claims made against public officials, is investigated by independent authorities and is subject to independent and effective scrutiny by courts and/or administrative and parliamentary mechanisms established to hear such claims. Once the domestic remedies are exhausted, applications can be submitted to the European Court of Human Rights, the compulsory jurisdiction of which was recognized by Turkey in 1990.

182. Statistical data concerning accusations and judgments rendered by the courts relating to cases of discrimination on relevant articles of the TPC namely Article 77/2, 78/1 (first sentence), 78/1 (second sentence), 122/1-a, 122/1-b, 122/1-c, 135/2* is presented below.

				Types of judgments in relation to the accused			
Article	*Year*	*Number of accusations*	*Number of judgments rendered under this article*	*Number of persons convicted*	*Number of persons acquitted*	*Other***	*Total number of accused*
77/2	2009	1	1	0	0	1	1
	2010	1	1	0	0	1	1
	2011	0	2	1	0	1	2
	2012	0	0	0	0	0	0
78/1-first	2009	3	9	0	9	0	9

Article	*Year*	*Number of accusations*	*Number of judgments rendered under this article*	*Types of judgments in relation to the accused*			
				Number of persons convicted	*Number of persons acquitted*	*Other***	*Total number of accused*
sentence	2010	0	6	0	6	0	6
	2011	0	6	0	0	0	0
	2012	0	6	0	0	0	0
78/1-second sentence	2009	2	6	0	0	6	6
	2010	3	2	0	0	2	2
	2011	0	0	0	0	0	0
	2012	0	3	0	0	6	6
122/1-a	2009	15	7	1	1	5	7
	2010	3	8	0	7	1	8
	2011	7	7	0	4	3	7
	2012	14	12	1	11	0	12
122/1-b	2009	3	0	0	0	0	0
	2010	2	3	0	1	2	3
	2011	1	3	0	3	0	3
	2012	0	0	0	0	0	0
122/1-c	2009	2	3	0	3	0	3
	2010	3	3	0	2	1	3
	2011	5	2	0	2	0	2
	2012	0	4	0	2	2	4
135/2	2009	44	22	2	6	15	23
	2010	49	24	0	2	22	24
	2011	55	23	16	5	13	34
	2012	34	51	4	8	41	53

* Texts of articles can be found under Article 2 in paragraph 29.

** Other types of judgments include suspension of pronouncement of judgment, decision of lack of jurisdiction, decision of lack of venue, discontinuance of the proceedings (e.g. time barred), suspension of the case (due to e.g. conditionality placed upon investigation or prosecution).

183. Please see the table under Article 4 which indicates the number of accusations and judgments rendered by the courts on Article 216 (incitement to hatred or enmity) and 218 of the TPC between 2009 and 2012.

184. The Constitutional Court started to receive individual applications as of 23 September 2012. Between September 2012 and December 2013, over 10 thousand individual applications were submitted to the Constitutional Court. Of these, 48 applications are related to racial discrimination. 10 of the applications are still under review by the Sections, 27 of them are under the consideration of the Commissions. 7 applications were found inadmissible whereas 4 applications were refused due to improper application.

Administrative and parliamentary remedies

185. These remedies are utilized through the Ombudsman, Turkish National Human Rights Institution and the Human Rights Inquiry Commission of the Parliament. The Law on the Turkish National Human Rights Institution entered into force on 30 June 2012. The Institution began receiving complaints of human rights violations. However, the statistical information on the applications and their outcome is not yet available.

186. The Ombudsman began receiving complaints as of 29 March 2013. Of the complaints received, four cases involve claims of discrimination on the basis of origin. Two of the applications are under preliminary review, one was found inadmissible due to absence of mandatory information in the application, and one application was conveyed to the Ministry of Justice as administrative remedies were not exhausted.

187. A small number of applications from Turkish citizens of various origins comprising claims of discrimination were submitted to the Human Rights Inquiry Commission of the Parliament. The applications concern Roma citizens, Turkish citizens of Kurdish origin and non-Muslim minorities.

188. After a careful examination of the applications, the Commission notifies the relevant public authorities of the allegations. Public authorities review the cases and report back to the Commission about the merits of the case in hand or sometimes remedy the violation upon receiving the Commission's letter. To give a few examples of the remedies, in one case, it was made sure that the information deliberately omitted from the identification card of a Roma citizen was filled duly. In another case, upon the complaint of Turkish citizen of Kurdish origin, obstacles regarding the use of a language other than Turkish during the visits made to the convicts and detainees were lifted.

189. Furthermore, the chair of the Commission called for legal action in accordance with the relevant articles of the TPC about those carrying banners with discriminatory statements against Armenian citizens in a demonstration in Istanbul. Following the call, Istanbul Prosecutor's Office pressed charges against those holding the banners and it was ruled that 6 people be fined on grounds of promoting hate and hostility.

190. In addition, on 30 September 2013, the Commission met with the representatives of the Roma Social Assistance and Solidarity Association from several provinces. The Commission informed the relevant institutions of the complaints and concerns brought to their attention by the association. The Commission closely follows up with the relevant institutions about the outcome of these concerns.

2. Optional declaration provided in article 14 of the Convention

191. As of today, Turkey does not intend to make the declaration under Article 14 of the Convention. It is worth noting that in terms of international complaints mechanisms in the realm of human rights, Turkey has recognized the right of individual petition before the European Court of Human Rights in 1987 and thus accepted the compulsory jurisdiction of what is considered to be one of the most effective human rights mechanisms since 1990.

Article 7

1. Education and Teaching

Legislative and administrative measures taken in the field of education to combat discrimination and steps taken to review textbooks and promote human rights issues in school curricula

192. Information concerning the right to education is provided under Article 5 (please refer to paragraphs 117-126).

193. The regulation on textbooks and educational materials of the Ministry of National Education clearly states that textbooks shall support basic human rights and freedoms and provide an approach that rejects all forms of discrimination. The Ministry annually re-examines course materials to extract connotations which could lead to misinterpretation. As a recent example, upon the request of the Assyrian community, certain phrases regarding Assyrians in the 10th grade history course books that were perceived unfavorably by Assyrians themselves were examined and removed accordingly from the course books. Updated books were used in schools in the 2012/2013 academic year.

194. Within the framework of the project entitled "Democratic Citizenship and Human Rights Education" (EDC/HRE), the Ministry of National Education in partnership with Council of Europe analyses and strengthens the education legislation (regulations, by-laws and directives) and curricula based upon the principles of EDC/HRE, trains the personnel of the Ministry of National Education in order to raise their capacity on EDC/HRE and develops training programmes and materials to be used by teacher trainers to train other teachers. Furthermore, the Ministry provides training for the prospective text book writers and editors, graphic designers and representatives of publishing houses in order for them to prepare course materials that are in line with principles of democratic citizenship and human rights.

195. Democracy and human rights education is one of the fundamental policies of the education system with a view to promoting human rights issues and raising awareness among students on universal rights and freedoms. The system is solidified within the framework of the aforementioned EDC/HRE project. Accordingly, courses on "human rights, citizenship and democracy", "law and justice", and "democracy and human rights" are offered at schools.

Measures taken for training of law enforcement officials in the field of human rights and non-discrimination

196. Training of the members of the law enforcement agencies has intensified in the past decade. The Ministry of the Interior organizes periodic seminars, conferences and workshops for the staff at various levels as part of the human rights training. These seminars cover topics such as human rights provisions in Turkish domestic law; the duties and responsibilities of senior administrators and law enforcement officers with regard to human rights under the international conventions to which Turkey is party.

197. The police force continues to train the staff on human rights. Please see below for the number of staff that received training on human rights during the in-service training between 2007 and 2013.

2007	*2008*	*2009*	*2010*	*2012*	*2013*	***Total***
8,996	24,272	32,590	25,328	26,924	34,176	**177,587**

198. Furthermore, Department of Counter-Terrorism of the Ministry of the Interior provided various trainings on human rights for its staff. Please see below for the number of staff that received training on human rights.

2007	*2008*	*2009*	*2010*	*2012*	*2013*	***Total***
459	914	1,065	938	918	689	**5,698**

199. Courses on human rights have become mandatory in the curricula of the Police Academy and Police Colleges as well as Gendarmerie Vocational Academy and education of the specialized staff of the Gendarmerie. The Gendarmerie also provides regular in-service training on human rights for the staff.

200. In 2011, the Department of Human Rights was established within the Ministry of Justice (MoJ) to follow up on the ongoing cases before the European Court of Human Rights (ECtHR) and to prevent human rights violations, notably through full and effective execution of the judgments of the ECtHR in cooperation with the Ministry of Foreign Affairs.

201. Human rights training and awareness raising activities conducted by the MoJ in cooperation with the EU Commission and the Council of Europe between 2011 and 2013 are as follows:

- Project on "Freedom of Expression and the Media in Turkey";
- Project on "Improving the efficiency of the Turkish Criminal Justice System";
- Project on "Raising Awareness on Human Rights within the Judiciary";
- Matra Project on Awareness-Raising on Freedom of Expression;
- Translation of the Court's case-law.

202. Justice Academy of the Ministry of Justice runs several courses on human rights for candidate judges and prosecutors which include the exercise of fundamental rights and freedoms and the case-law of the ECtHR. The Academy also provides various courses on human rights as part of the in-service training for staff of the MoJ (judges and prosecutors). The trainings focus on the right to fair trial, prohibition of discrimination, Turkey's obligations under the relevant UN and Council of Europe Conventions and the case-law of the ECtHR.

203. Justice Academy carried out several projects and activities on human rights between 2012 and 2013. To name a few:

- In partnership with Raoul Wallenberg Human Rights Institute, "Human Rights Fundamental Training" was carried out for the staff of the MoJ between 9 and 11 June 2012.
- Within the framework of Matra, a module on freedom of expression along with a textbook for the course was prepared for the curricula of the Justice Academy. Several workshops were organized for the staff of the MoJ with a view to raising awareness on freedom of expression in 2013.
- Within the framework of the European Union project entitled "Towards an Efficient and Professional Academy", a handbook on human rights was prepared and seminars were organized with a view to introducing the handbook to the staff of the MoJ. Centre for Human Rights was established within the Academy.

204. With regard to paragraph 22 of the Concluding Observations of the Committee, in the reporting period, the Government continued to provide training on human rights for

judges, prosecutors and law enforcement officers. Trainings include Turkey's obligations under the UN Conventions including the ICERD.

2. Culture

Actions taken to combat racial prejudices, to promote respect for cultural diversity and tolerance, for example in the area of artistic creation

205. The Ministry of Youth and Sports prepared the "National Youth and Sports Policy Paper" which focuses on the prevention of all forms of discrimination, provision of equal opportunities, creation of a culture of tolerance and intercultural dialogue amongst the youth as well as prevention of violence, disorder and unethical behaviour in sports.

206. Accordingly, the Ministry of Youth and Sports organized several events aimed at promoting intercultural dialogue, social cohesion and respect for diversity as well as combatting prejudices and discrimination amongst the youth.

- More than 15 youth camps were organized at different regions of the country bringing together young people with various religious, ethnic, cultural and socio-economic backgrounds and origins. Roma youth were particularly encouraged to participate in these camps. Youth camps involve many activities including sports, theatre, music, reading, folk dances, courses on history, literature and health, visits to historical and touristic sites etc. Foreign students studying at Turkish universities also participate in these camps. For example, in addition to 188 Turkish participants from 15 provinces of Turkey, a total of 20 students from Turkmenistan, Kenya, Algeria, Congo, Mozambique, Cameroon, Afghanistan and Somali took part in the Van-Genaş Youth Camp between 6 July and 28 August 2013.
- Youth centers, aimed at increasing the participation of the disadvantaged groups in sports as well as social and cultural life are established in all the provinces of Turkey. Many youth camps and international youth activities are arranged by the youth centers. Roma youth are very much involved in the activities of the youth centers.
- "Traveller Project" was implemented between 21 June and 5 September 2013 with the participation of a total of 53 thousand young people between the ages of 14-26 from all the provinces of Turkey. The project involved travelling to provinces where the participants had not seen before, interacting with young people from different regions of the country, getting to know the culture of different regions and the young people they meet, and visiting the historical, cultural and touristic sites. The participants played sports together and took part in various games in order to bond with each other. They also participated in activities such as theatre, music and dancing.
- At the international level, "Mediterranean Youth Peace Cruise Project" brought together 771 young people between the ages of 18-27 from 43 countries. The cruise called in at three countries and involved many activities aboard for the young people to get to know one another, to learn about different cultures and promote intercultural dialogue and tolerance. Many workshops on arts, games and plays were organized throughout the journey.
- "The Young Journalists Workshop" brought together many young journalists and students of journalism from Eastern Europe and Middle East with a view to creating a platform for discussion among them on 26-27 January 2013. The workshop focused on discussions and raising awareness on Islamophobia as well as combatting discrimination on the basis of religion in Europe.

- International Youth Short Film Festival was organized between 15-19 May 2013 with a view to supporting young film-makers and encouraging youth to get involved in cinema and film-making. 227 films from 25 countries were presented in the festival.
- Within the framework of the campaign entitled "No to Hate Speech", the posters and videos prepared by the Council of Europe will be translated into Turkish and will be available in the youth centers, youth camps and dormitories. In the same vein, a conference entitled "the Movement against Hate Speech" will be organized.

The linguistic policies adopted and implemented by the State Party

207. Reforms with regard to the languages and dialects traditionally used by the Turkish citizens in their daily lives have continued in the reporting period.

- Obstacles regarding the use of a language other than Turkish during the visits made to the convicts and detainees were lifted.
- It became possible to carry out election campaigns in both written and oral forms in a language other than Turkish.
- Defendants who feel better at expressing themselves in a language other than Turkish are allowed to present their defense statements in the language they choose.
- Following the establishment of the new 12-year education system in 2012, students have started to take the elective course "Living Languages and Dialects" beginning from the fifth class. Upon request, Kurdish (Kurmanji and Zazaki), Circassion (Adige and Abkhaz) and Laz language classes are available in public schools. In the past 2 academic years in total 23,697 fifth graders and 19,896 sixth graders enrolled at these language classes.
- It became possible to conduct academic research on different languages and dialects used by the Turkish citizens, to open elective courses and to set up departments/institutes.
- Within this framework, Kurdish Language and Literature Department was established in Mardin Artuklu University in 2011. 250 post-graduate students studied at the department in the 2012/2013 academic year. Graduates of the programme are foreseen to be appointed as teachers of Kurdish language.
- Department of Aramaic Language and Literature was also established at Mardin Artuklu University.
- A post-graduate programme in Kurdish language has started as of 2012/2013 academic year in the Department of Kurdish Language and Literature in Muş Alparslan University. In 2012/2013 academic year 50 students studied at the department. A graduate programme was established within this field.
- Department of Zaza Language and Literature was established in the Department of East Languages and Literatures in Tunceli University.
- An institute for living languages in Siirt University will be established.
- The Higher Education Council has taken a decision for the establishment of the Institute of Roma Language and Culture at Trakya University.
- One of the most prominent reform proposals of the "democratization package" is the introduction of the use of languages and dialects traditionally used by Turkish citizens as the medium of instruction in private schools.

- The Government proposes to enable any kind of political propaganda by political parties and nominees as well as to allow campaign and propaganda in the preliminary elections in languages and dialects other than Turkish by lifting the remaining bans on Law no.298 and Law no. 2820 respectively. Proposed legislative amendments are currently before the Parliament.

3. Information

208. There is both private and state media available in Turkey. Radio and Television Supreme Council (RTUK) is the impartial public legal entity responsible for monitoring, regulating, and sanctioning radio and television broadcasts.

Prohibition of incitement to hatred and discrimination by media services

209. Article 8 (b) of the Law no. 6112 on the establishment of Radio and Television Enterprises and Their Media Services of 2011 prohibits media services from inciting the society to hatred and hostility by discriminating on the grounds of race, language, religion, sex, class, region and sect and prohibits them from constituting any feelings of hatred in the society. Article 8 (e) prohibits broadcasts that discriminate on the basis of race, colour, language, religion, nationality, sex, disablement, political and philosophical opinion, sect and any such considerations. Article 9 bans discrimination based on sex, race, colour or ethnic origin, nationality, religion, philosophical belief or political opinion, disablement, age and any other issues in commercial communications.

210. In addition, currently, there are no limitations as to time, types of programs or content in broadcasting or providing media services in languages or dialects traditionally used by Turkish citizens in their daily lives. Procedures are the same for public or private broadcasters or media service providers who apply to RTUK for those languages and dialects.

Human rights sensitive coverage by the media

211. The Directorate General of Press and Information of the Office of the Prime Minister initiated a series of local media workshops to strengthen the capacity of the local media to provide human rights sensitive coverage, including the principle of non-discrimination, taking into account the principles of professional journalism and media ethics. Between 1998 and 2013, twenty three workshops were organized in 23 provinces with the participation of local and national media representatives, academics, politicians, local administrators and representatives of civil society.